

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMONTE ALLGOOD,

Plaintiff,

v.

ORDER

17-cv-812-wmc

CO SGT. HERT, CO WEYCKER,
CO PEOTTER, LT. CUSHING, CO DENIAL,
and CO YANG,

Defendants.

Pro se plaintiff Jamonte Allgood is proceeding on claims that defendants used excessive force against him or failed to intervene to prevent the use of excessive force in violation of the Eighth Amendment. Trial is scheduled to begin June 17, 2019. The court held a telephonic status conference on April 30, 2019, to address several motions filed by Allgood. For the reasons explained on the record at the status conference, the court resolves those motions as follows:

- Allgood's motions for court assistance in recruiting counsel (dkts. 92, 96) are DENIED.
- Allgood's spoliation motion (dkt. 101) is DENIED as to Allgood's request for judgment in his favor, but is RESERVED as to whether Allgood is entitled to a spoliation instruction at trial.
- Allgood's motion for default judgment and directed verdict (dkt. 108) is DENIED.

- Allgood's motion for a writ of habeas corpus ad testificandum for inmate Randy Alexander (dkt. 109) is GRANTED. The clerk of court is directed to issue a writ of habeas corpus ad testificandum for inmate Randy Alexander's appearance at the June 17, 2019, trial.
- Allgood's motion for discovery (dkt. 113) is GRANTED IN PART and DENIED IN PART. By May 15, 2019, defense counsel will file with the court, under seal, a copy of the Department of Corrections' use of force policy and any special training protocol related to the use of force. Also by May 15, 2019, defense counsel will provide to Allgood:
 - copies of defendants' disciplinary files, if any, that concern the force incident at issue or any other use of force incidents;
 - an opportunity to view the Department of Corrections' use of force policy and to take notes regarding the policy;
 - an opportunity to view video footage of the incident at issue; and
 - his medical records from the July 22 to July 30, 2017, time period.

Allgood's motion for discovery is DENIED in all other respects.

Entered this 2nd day of May, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge